

## J. FURMAN RICHARDSON

APRIL 30, 1942.—Ordered to be printed

Mr. ROSIER, from the Committee on Claims, submitted the following

## REPORT

[To accompany H. R. 5468]

The Committee on Claims, to whom was referred the bill (H. R. 5468) for the relief of J. Furman Richardson, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1724, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1724, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5468) for the relief of J. Furman Richardson, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Page 1, line 6, strike out "\$695, in settlement of" and insert in lieu thereof "\$290 in full settlement of all claims against the United States for".

At the end of the bill add: "Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The purpose of the proposed legislation is to pay the sum of \$290 to J. Furman Richardson, of Simpsonville, S. C., for damages to a tract of land leased to the United States as an emergency landing field on November 1, 1927.

## STATEMENT OF FACTS

On November 1, 1927, Mr. Richardson entered into a contract with the Bureau of Lighthouses in the Department of Commerce, leasing certain tracts of land owned by him for use as an emergency landing field, near Simpsonville, S. C., on the Atlanta-New York airway; that in order to make the leased tract suitable for use as an intermediate landing field, an attempt was made to improve the surface of the field by seeding it with Bermuda grass, which provides a firm sod, but which also makes the land useless for farming purposes until eradicated.

Mr. Richardson objected to the seeding of the field with Bermuda grass, but withdrew his objection, when he was informed that the field would be used indefinitely. In 1931 an airport was established at Greenville, S. C., and the intermediate landing field was abandoned. The lease from Mr. Richardson expired on June 30, 1931.

The Civil Aeronautics Authority, in a report dated May 7, 1940, recommends the enactment of the legislation in the amount of \$290. Your committee concur in the recommendation of the Department, and recommend that the bill, as amended, do pass.

Appended hereto is the report of the Civil Aeronautics Authority, together with other pertinent evidence.

CIVIL AERONAUTICS AUTHORITY,  
Washington, May 7, 1940.

The Honorable AMBROSE J. KENNEDY,  
*Chairman, Committee on Claims,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: A request from your committee for a report on H. R. 7536, a bill for the relief of J. Furman Richardson, to compensate for certain damages suffered as a result of lease of land by the Government for an intermediate landing field, was sent to the Secretary of War and duly transmitted to the Civil Aeronautics Authority, now supervising civil airways. Consideration has been given to this bill, and I am glad to comply with your request by offering the following comments. Relevant documents are also enclosed.

The bill would authorize and direct the Secretary of the Treasury to pay to J. Furman Richardson the sum of \$695 in settlement of damages to a tract of land leased by the Government as an emergency landing field on November 1, 1927. At that time the Bureau of Lighthouses in the Department of Commerce, then in charge of the establishment and operation of civil airways, executed leases of two tracts of land from E. S. Rice and J. F. Richardson, in order to establish an intermediate landing field near Simpsonville, S. C., on the Atlanta-New York airway. Approximately 10 acres were leased from Mr. Rice and approximately 58 acres were leased from Mr. Richardson at an annual rental of \$10 per acre.

In order to make the leased tract suitable for use as an intermediate landing field, an attempt was made to improve the surface of the field by seeding it with Bermuda grass, which provides a firm sod, but which also makes the land useless for farming purposes until eradicated. The owners objected to seeding the field with Bermuda grass, but withdrew their objections upon being informed that the field would be used indefinitely. About 10 acres of Mr. Richardson's property became sodded with Bermuda grass as a result of the seeding.

There was no provision in the lease expressly requiring the Government to pay damages resulting from the use of the land for the purposes for which the land was leased, or to restore the land to the condition in which it was at the time of entry upon the land by the Government.

In 1931 an airport was established at Greenville, S. C., and the intermediate landing field was abandoned so that the leases from Mr. Rice and Mr. Richardson expired on June 30, 1931.

The owners of the land made claims of damages to the land resulting from the seeding and subsequent growth of the Bermuda grass. However, it was the opinion of the Bureau of Lighthouses that the claims were not allowable because no appropriations for the payment of such a claim were available, and also because the Comptroller General rules that the United States is not legally liable for damages resulting from a reasonable use of leased property in the absence of express provisions providing for payment of damages resulting from such reasonable use for the purposes for which the property was leased. However, the Bureau of Lighthouses apparently admitted at all times that Richardson had suffered actual damage to approximately 10 acres of his property which would require 2 years to restore by destruction of the Bermuda grass.

In 1932 H. R. 13511, identical with the present bill, was introduced to provide for the settlement of the damages. The report on that bill, made by the Assistant Secretary of Commerce, which is included in the attached documents, shows that approval of the claim was recommended for the amount of \$290, computed on the basis of 2 years' rental of the 10 acres damaged by the planting of the grass and \$90 cost for the removal and destruction of the grass.

Our files indicate that Mr. Richardson suffered actual damage to his property as a result of its use and occupation by the Government for an intermediate landing field. However, at the present time, there do not seem to be any legal remedies available to Mr. Richardson whereby he may obtain compensation for this damage accruing in 1931.

Since the intermediate landing field on Mr. Richardson's property has been abandoned for 9 years, we have presently no way of ascertaining the amount of damage done at that time, except to rely upon the files in our possession. It is indicated in these records that the estimated damage to Mr. Richardson's property was \$290. Accordingly, we recommend approval of the claim for that amount.

Very truly yours,

ROBERT H. HINCKLEY,  
*Chairman.*

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